

MS 19-818 CLB

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No.

UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

BRETT JAMES STIMAC,  
  
Defendant.

INFORMATION  
(MISDEMEANOR)

16 U.S.C. § 3372(a)(1)  
16 U.S.C. § 3373(d)(2)  
16 U.S.C. § 3374  
18 U.S.C. § 1165  
21 U.S.C. § 853(p)  
28 U.S.C. § 2461(c)

THE UNITED STATES ATTORNEY CHARGES THAT:

**BACKGROUND**

At all times relevant to this Information:

1. Defendant BRETT JAMES STIMAC, was a citizen of the United States and a resident of the State and District of Minnesota.
2. STIMAC was not an enrolled member of the Red Lake Band of Chippewa Indians.
3. The Lacey Act, 16 U.S.C. §§ 3372(a)(1) and 3373(d)(2), makes it unlawful for a person to knowingly import, export, transport, sell, receive, acquire or purchase any fish or wildlife when, in the exercise of due care, the person should know that the fish or wildlife was taken, possessed, transported, or sold in violation of any Indian tribal law.
4. The term “fish or wildlife” means any wild animal, whether alive or dead, and includes any part, product, egg, or offspring thereof. 16 U.S.C. § 3371(a).

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5. The term “Indian tribal law” means any regulation of, or other rule of conduct enforceable by, any Indian tribe, band, or group, but only to the extent that the regulation or rule applies within Indian country, as defined in 18 U.S.C. § 1151, and regulates the taking, possession, importation, exportation, transportation, or sale of fish or wildlife or plants. 16 U.S.C. §§ 3371(c), (d).

6. The term “taken” means captured, killed, or collected. 16 U.S.C. § 3371(j)(1).

7. The Red Lake Nation Game and Fish Tribal Code defines a “protected wild animal” to include “all wild animals which are accorded some measure of protection in the time or manner of taking and are commonly taken for food or for its pelt.” Red Lake Tribal Code, Title X, Chapter 1000, Game and Fish Code, 1000.01, Subdivision 2.

8. The Red Lake Nation Tribal Code prohibits non-Indians from entering the reservation “to take, buy, sell, transport or possess any protected wild animals of the Red Lake Indian Reservation.” Red Lake Tribal Code, Title X, Chapter 1000, Game and Fish Code, 1000.10, Subdivision 1.

9. On or about the evening of September 1, 2019, STIMAC willfully and knowingly entered the Red Lake Reservation in Minnesota for the purpose of hunting a bear. STIMAC did not have authorization or permission to enter the Reservation.

10. STIMAC drove a 2015 Chevrolet 1500 bearing Minnesota license plate 683TJZ. The vehicle is registered to STIMAC.

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11. Using a PSE Brute Compound Bow, STIMAC targeted a large black bear near the Reservation's garbage dump. He shot the bear with an arrow, but the bear ran away and STIMAC could not find it.

12. On or about September 2, 2019, STIMAC asked others to assist him in locating and removing the bear. STIMAC and his girlfriend returned to the Reservation and STIMAC located the bear carcass, but they were unable to move it. They left the carcass where it was overnight.

13. STIMAC posed for photographs with the bear's carcass and later shared the photographs on a Facebook page entitled "Minnesota Bear Hunting" with the caption: "Got it done lastnight [sic] with an absolute giant over 700 lbs."

14. On or about September 3, 2019, STIMAC again returned to the Reservation and located the bear carcass. He attempted to remove the bear's hide. When he was unable to remove the hide, STIMAC used a saw to remove the bear's head and paws for purposes of measuring them. STIMAC left the Reservation with the bear's head and approximately 71.2 pounds of bear meat. He left the remainder of the carcass and at least one bear paw in place.

15. On or about September 3, 2019, STIMAC took the bear's head to Anderson's Taxidermy in Ironton, Minnesota. Law enforcement seized the black bear's skull on September 16, 2019. The meat was seized from the freezer at STIMAC's residence.

16. The Red Lake Band of Chippewa has seven principle clans: bear, turtle, bullhead, mink, eagle, marten and kingfisher. The Red Lake Band does not permit non-

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Indians to hunt bear, a clan animal, within the boundaries of the Red Lake Indian Reservation, due to the bear's spiritual importance to the Band.

**COUNT 1**  
**(Wildlife Trafficking)**

17. The United States Attorney re-alleges and incorporates paragraphs 1 through 16 of this Information.

18. On or about September 1–3, 2019, in the State and District of Minnesota, the defendant,

**BRETT JAMES STIMAC,**

did knowingly transport, receive, and acquire wildlife, that is, the head and paws of an American black bear (*ursus americanus*), when in the exercise of due care, the defendant should have known that said wildlife was taken in violation of and in a manner unlawful under the laws and regulations of the Red Lake Band of Chippewa Indians, specifically, Red Lake Tribal Code, Title X, Chapter 1000, Game and Fish Code, 1000.10, Subdivision 1, all in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(2).

**COUNT 2**  
**(Trespass on Indian Land)**

19. The United States Attorney re-alleges and incorporates paragraphs 1 through 18 of this Information.

20. On or about September 1–3, 2019, in the State and District of Minnesota, the defendant,

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without lawful authority or permission, willfully and knowingly went upon land that is held in trust by the United States for the benefit of the Red Lake Band of Chippewa Indians for the purpose of hunting thereon and for the removal of game and peltries, all in violation of Title 18, United States Code, Section 1165.

### **FORFEITURE ALLEGATIONS**

Counts 1 and 2 of this Information are hereby realleged and incorporated as if fully set forth herein by reference, for the purpose of alleging criminal forfeitures pursuant to Title 16, United States Code, Section 3374 and Title 18, United States Code, Section 1165, in conjunction with Title 28, United States Code, Section 2461(c).

Upon conviction of Count 1, the defendant shall forfeit to the United States pursuant to Title 16, United States Code, Section 3374(a), all wildlife imported, exported, transported, sold, received, acquired, or purchased contrary to the provisions of section 3372 of this title (other than 3372(b) of this title), or any regulation issued pursuant thereto.

Upon conviction of Count 2, the defendant shall forfeit to the United States, under Title 18, United States Code, Section 1165, all game, fish, and peltries removed from the Red Lake Reservation.

The property subject to forfeiture includes, but is not limited to, the wildlife parts and ground bear meat seized during the course of the investigation.

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p).

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Dated:

ERICA H. MacDONALD  
United States Attorney

A handwritten signature in black ink, appearing to read "Gina L. Allery". The signature is fluid and cursive, with the first name "Gina" and last name "Allery" clearly distinguishable.

BY: GINA L. ALLERY  
Special Assistant U.S. Attorney  
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